IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 48 OF 2001

Abdul Razaaak Chottani & Anr. ...Petitioners
Vs.
The State of Maharashtra & Ors. ...Respondents

None for the Petitioners
Mrs. A.S. Pai, A.P.P for Respondents 1 and 2
Mr. C.M. Lokesh for Respondent No.3

CORAM: SHRI R.M.S. KHANDEPARKAR &
SMT.ROSHAN DALVI, JJ.
DATED: 27TH JULY, 2007

P.C.

1. None present for the Petitioners.

2. Upon hearing the learned Advocates for the Respondents and on going through the Petition and the annexures thereto, it is apparent that the Petitioners have filed the present Petition for issuance of directions to the Senior Inspector of Police, Detection of Crime Branch, C.I.D, Unit-II, Mumbai to treat the Petitioners' letter dated 18th December, 2000, Exhibit **'D'** to the Petition as the F.I.R and further to investigate into the matter.

3. Perusal of a copy of the letter dated 18th December, 2000 annexed to the Petition as Exhibit 'D',written by the Petitioners discloses that the grievance of the Petitioners is to the effect that inspite of the Petitioners along with others were in occupation and possession of flat No.3 on the ground floor of the property known as "Mohammedi Manzil", situated at 2, Y.M.C.A. Road, Mumbai-400 008, they were illegally evicted by the landlord and thus, they have been denied their tenancy right in respect of the said flat. The Petitioners, therefore, made a grievance about the same to the Senior Inspector at Crime Branch. However, his complaint was not entertained.

4. The letter dated 18th December, 2000 also discloses an allegation of the nature of some loss caused by the land lord in the process of eviction of the Petitioner. The Petitioners approached Agripada Police Station to lodge complaint, but it did not yield fruitful result. In these circumstances, it is the contention of the Petitioner that the Crime Brach of the Police Department be directed to entertain his letter dated 18th December, 2000 as F.I.R and they should be directed to investigate into the matter.

5. Plain reading of the letter dated 18th December, 2000 discloses that the grievance of the Petitioners relates to the

Civil dispute between the Petitioner and landlord of the building. The Petitioners had efficacious remedy either by way of filing a suit under Section 6 of the Specific Relief Act, if they are illegally ousted from the premises within six months from the date of dispossession instead of approaching the learned Magistrate about other grievance made in the letter.

6. For the reasons stated above, therefore, there is no case made out for issuance of direction, to treat the letter of the Petitioners dated 18th December, 2000 as the F.I.R or to order investigation by the police in the matter. Hence, the Petition fails and is hereby dismissed. No order as to costs.

(SMT. ROSHAN DALVI, J.) **(R.M.S. KHANDEPARKAR, J.)**